As of December 31, 2002, Qwest was providing 158 resold Qwest DSL, 1,321 rcsold DSI and five resold DS3 services to CLECs in its fourteen states, including 76 resold DSL, 654 resold DS1 and two rcsold DS3 services to CLECs in Minnesota. Simpson Resale Decl. ¶ 24.

Qwest also offers to CLECs for resale ancillary services such as operator and directory assistance services, ***id.*** ¶¶ 25-28, as discussed more fully in Section III(B)(7)(b) above. Qwest further provides CLECs with the information they need to bill customers in a timely fashion. *Id.* ¶ 29. Qwest makes Frame Relay Service ("FRS") and Asynchronous Transfer Mode ("ATM") service provided in Qwest's interstate tariff available for resale, at a wholesale discount. Simpson Resale Decl. ¶ 30.

When evaluated both individually and as a whole, Qwest's performance in installing, maintaining and repairing its resold products has been exemplary across all products and perforniancc measures, and demonstrates that CLECs are receiving nondiscriminatory treatment with respect to resale in Minnesota. 40/ The standard for resale performance measures is parity with retail service, and Qwesr is achieving parity under the vast majority of resale performance indicators. Williams Decl. ¶¶ 283-89. Qwest meets the standard of providing services to requesting telecommunications carriers for resale that are substantially equal in quality, subject to substantially the same conditions, and provided within substantially the same provisioning time intervals, **as** those it provides to its retail customers. *Id.;* see 47 C.F.R. § 51.603(b).

Qwest's wholesale discount *rates* for telecommunications *services* comply with the requirements of Sections 251(c)(4) and 252(d)(3), as well as 271(c)(2)(B)(xiv) of the 1996

Act. Gude Decl. ¶ 7. Qwest's wholesale rates for resale have been set by the MPUC based on the retail rates Qwcst charges subscribers for tclccommunications services, less the portion the MPUC deemed attributable to retailing costs Qwest avoids when a reseller CLEC services the end-user customer instead of Qwest. *Id.* Consistent with resale provisions of the 1996 Act and with the FCC's *Local Competition First Report and Order,* 11 FCC Rcd at 15958 ¶ 916, the MPUC evaluatcd avoided cost studies to determine the costs that Qwest avoids when providing tclccomtnunications service Tor resale. Gudc Decl. ¶ 10. The resale discount specified by the MPUC has been incorporated at Section 6.0 of Exhibit A of Qwest's approved Minneosta SGAT. *Id.* ¶ 11. 41/

C. Qwest Offers CLECs Nondiscriminatory Access to its Operations Support Systems

1. Qwest's Regionwide OSS Satisfies the Requirements of Section 271 in Minnesota

The FCC recently found that Qwest provides CLECs with access to its systems, databases and personnel - collectively referred to as "OSS" - on a nondiscriminatory basis and in accordance with the FCC's rules. *See Qwest 271 Order* ¶ 34; *see generally* OSS Decl., Att. 5, App. A. This bcars directly on the instant Application because, as explained more fully below, Qwest uses the same OSS throughout its 14-state local region. 42/ *See Qwest 271 Order* ¶¶ 11, 37

40/ The performance measurements and products that apply to resale are set forth at paragraphs 283 to 289 of the Williams Performance Declaration.

41/ Public Access Lines ("PALs") are subject to the ordered wholesale discount rate in Minnesota. Simpson Resale Decl. ¶ 31; Gude Decl. at n.20.

42/ Differences among the systems and process in Qwest's Western, Central and Eastern regions (due to operational differences among the legacy systems of the former Pacific Northwest Bell, Mountain Bell and Northeastern Bell) are imperceptible to CLECs and end users. A Regional Differences Assessment conducted by KPMG prior to commencement of its

The FCC has held that Qwest provides CLECs with access to its OSS so CLECs can formulate and place orders for network elements or resale services, install service to their customers, order maintenance and repair work, and bill customers. *See id* ¶ **34;** *see also* OSS Decl. Sections III-VII. The FCC also has held that Qwesl provides technical assistance to CLECs that use these functions; that Qwest provides documentation that enables CLECs to build an EDI interface; and that Qwest provides testing environments that enable CLECs to test their EDI interfaces. *See generally Qwest 271 Order* ¶¶ 132-152; OSS Decl. Section VIII. Technical assistance, EDI documentation and testing are discussed below in the section titled "Change Management and Technical Assistance."

Commission precedent dictates that "[t]he most probative evidence that OSS functions arc operationally ready is actual commercial usage." *Qwest 271* ***Order*** App. K, ¶ 31 Qwesl satisfied precisely this standard in its earlier Section 271 proceeding. *See* ***id.*** ¶ 37 ("We base [our] determination on Qwcst's actual performance in the nine application states"). This Application makes the same showing with respect lo Minnesota

To support its commercial performance results, and to address those aspects of its OSS for which there are no assigned PIDs, Qwest subjected its OSS to rigorous testing by an independent third party ("KPMG"). KPMG's test, which was designed and executed under the ROC's supervision, is described more fully in Section II of the OSS Declaration. In Qwest's earlier Section 271 proceeding, thc FCC repeatedly cited the results of the Third Party Test to support the conclusion that Qwest is providing -- and will continue to provide - CLECs with pre-ordering, ordering, provisioning, maintenance and repair, and billing capabilities, as well as technical assistance, on a nondiscriminatory basis. *See, e.g., Qwesi 271 Order* ¶¶ 41, 49, **94,**

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test of Qwcst's OSS confirmed that the Qwest's OSS *is* materially consistent across the region.

108, 118, 131, 155, 165. The FCC should do the same here, as the few unresolved issues in the test did not then -- and do not now – alter this conclusion.

2. Qwest's OSS Performance

a) Electronic and Manual Interfaces

Qwest provides an array of electronic gateways and manual processes through which CLECs can access and interact with Qwest's OSS. ***See*** OSS Decl. ¶¶ 59-65, 162-174, 366-375. The Commission has held that, in order to obtain Section 271 relief, a BOC must denionstratc that it has "developed sufficient electronic. . . and manual interfaces to allow [CLECs] equivalent access to all of the necessary OSS functions," and that its OSS "is designed to accommodate both current demand and projected demand." *Qwest 271 Order* ¶ 30. Qwest satisfied both of these requirements in its earlier Section 271 proceeding, ***see id.*** ¶¶ 40-41, and unquestionably does so again here.

CLECs have timely access to all of the necessary OSS functions. Qwest makes available to CLECs two electronic gateways, IMA-EDI and the IMA-CUI, for pre-ordering and ordcring via LSRs. ***See*** *Qwest 27/ Order* ¶ 40; *OSS* Decl. ¶¶ 59-64, 162-167. Qwest also makes available to CLECs two additional electronic gateways, EXACT and TELIS, for ordering via ASRs. OSS Decl. ¶¶ 170-174. Additionally, Qwest provides CLECs with two electronic gateways, EB-TA and CEMR, for M&R activities. *Id.* ¶¶ 366-373. CLECs also can submit pre-ordering queries by telephonc and fax, and orders and M&R requests by fax. *Id.* ¶¶ 65, 168-169, 374-375. The FCC previously found that Qwest's interfaces were "generally available as scheduled," *Qwest 271* ***Order*** ¶ 45. Qwest's comparable performance in this Application demonstrates that this same conclusion is applicable here.

See OSS Decl. ¶¶ 35-36.

Qwest's gateways - and, more generally, Qwest's OSS - are capable of supporting both current and future demand. The electronic and manual interfaces discussed above have been proven to function successfully in a commercial setting. See Williams Decl. ¶¶ 88-91, 190-193. During the period from February 2002 through January 2003, 17 CLECs submitted commercial volumes of LSRs to Qwest through IMA-EDI and 56 CLECs did so through the IMA-CUI in Minnesota. See OSS Decl. ¶ 163 n.197; ¶ 166 n.199. For the same period in Minnesota, these CLECs submitted a total of 138,245 LSRs via IMA-EDI, 146,223 via IMA-CUI, and 5,461 by fax; and 29,083 ASRs via EXACT and TELIS. See OSS Decl. ¶ 270. With only one minor exception, Qwest made its IMA-EDI, IMA-GUI, EB-TA and CEMR gateways available to CLECs more than 99.25% of the time in Minnesota over the past four months, meeting -- and often exceeding -- the required benchmark. See Williams Decl. ¶¶ 88-91, 190-193. KPMG's Final Report confirmed that Qwest is capable of meeting current and projected demand, and that its systems can be scaled. See Final Report at 258-266, 590-591; OSS Decl. ¶¶ 301-305.

b) Pre-ordering

The Commission has held that, in order to qualify for Section 271 relief, a BOC must demonstrate that "(i) it offers nondiscriminatory access to OSS pre-ordering functions associated with determining whether a loop is capable of supporting xDSL advanced technologies; (ii) [CLECs] successfully have built and are using application-to-application interfaces to perform pre-ordering [unctions and arc able to integrate pre-ordering and ordering interfaces; and (iii) its pre-ordering systems provide reasonably prompt response times and are consistently available in a manner that affords competitors a meaningful opportunity to competc." *See Qwest 271* ***Order*** **App.** K, ¶ 33. The FCC previously found that Qwest meets each *of* these requirements. *See* ***id.*** at ¶¶ 40-83. This same conclusion applies here.

Qwest provides CLECs with pre-ordering capabilities that meet all required Scction 271 criteria. CLECs can perform the following pre-ordering transactions through Qwest's OSS interfaces: Address Validation; Customer Service Records; Service Availability; Reserve and Cancel Telephone Numbers; Facility Availability; Loop Qualification (for qualifying Qwest DSL for Resale and Unbundled Loop); (Raw Loop Data); Connecting Facility Assignment; Meet Point Query; Schedule and Cancel Appointments; and Access to Directory Listings. *See* OSS Decl. ¶ 68.

Loop Qualification: Consistent with its policies promoting the deployment of broadband, the Commission has in the past paid particular attention to a BOC's ability to provide CLECs with complete and effective loop qualification information. *See, e.g., Qwest 271* ***Order*** App. K, ¶ 35. The FCC already has found "that Qwest provides [CLECs] with access to loop qualification information in a manner consistent with the requirements of the *UNE Remand Order." Id.* at ¶ 61. Because the systems and proccsses Qwest uses to provide loop qualification information have not changed since Qwest's last Section 271 filing, the FCC should reach the same conclusion herc.

In thc past, CLECs sought the option of performing Mechanized Loop Tests ("MLTs") in the pre-order stage IO determine whether a loop qualifies for advanced services. But the FCC has never required BOCs to provide CLECs with access to pre-order MLTs to satisfy the requirements of Section 271. *See, e.g., Qwest 271 Order* ¶ 76. The ALJ in Minnesota recently agreed, stating that "Qwest need not provide pre-order MLTs in order to achieve [Scction 271] compliance." *See* OSS Decl. ¶ 114, n.131. The FCC also has held that Qwest need not provide CLECs with MLT results that Qwest obtains for diagnostic purposes in the post-order and repair environment because the information derived by Qwest at those stages is

not "loop qualification inforniation." *See Qwest 271* ***Order*** ¶ 77. Although the ALJ in Minnesota disagreed with this particular FCC finding, Qwest nevertheless has amended its SGAT to provide CLECs with the results of pre-delivery MLTs that may exist in the WFA database within 48 hours of a request. ***See*** OSS Decl. at ¶ 118, n.138.

Pre-order To ***Order*** *Integration:* The FCC has held that a BOC can demonstrate that CLECs have pre-order/order integration capability by showing that the BOC parses CSR information into identifiable fields for CLECs; or, if the BOC does not provide parsed pre-order information, that CLECs can and have been able to integrate successfully. *See Georgia/Louisiana 271 Order* ¶ 120. The FCC has already held that CLEC are able to integrate using Qwest's OSS based on evidence that Qwest parses pre-order information and HP's ability to successfully integrate during the Third Party Test. *See Qwest 271 Order* ¶ 47. Because Qwest continues to parse pre-order information the way it did when the FCC reached this conclusion (and because HP's results during the Third Party Test have not changed), the same finding made in Qwest's earlier Section 271 proceeding should apply here.

Pre-ordering Response Times: As in Qwest's earlier Section 271 filing, Qwest's commercial performance results demonstrate that the company provides CLECs with reasonably prompt responses to pre-order queries and thus affords CLECs a meaningful opportunity to compete. *See Qwest 271 Order* ¶¶ 43-44; Williams Decl. ¶¶ 92-112. In Minnesota, Qwest has met or exceeded the pre-ordering transaction types for which performance benchmarks have been developed in each of the past four months. *See* ***id.*** Moreover, in all but a few instances over the last 12 months, Qwest's response times have been significantly faster than the required benchmarks. ***See*** *id.* Qwest also has consistently met the 0.5% benchmark for pre-order timeouts for each of the last 12 months. ***See*** *id.*

c) Ordering

The FCC recently found that Qwest's commercial performance and the results of the Third Party Test demonstrate that Qwest provides CLECs "with access to the OSS functions necessary for placing wholesale orders." *Qwest 271 Order* ¶ 84 and App. K, ¶ 36. The same (or analogous) facts lhat Icd to this conclusion are present in the instant Application and the FCC's same finding therefore should apply here.

It is well understood that the FCC "looks primarily at the [BOC's] ability to return order confirmation notices, order reject notices, order completion notices and jeopardies, and at [the BOC's] order flow-through rate" to determine whether the BOC provides CLECs with ordcring capabilities in a nondiscriminatory manner. *Id.* As it did in its earlier Section 271 filing, Qwest meets the FCC's requirements in each of these areas. *See generally* OSS Decl. at Section IV.

Confirmation Notices: Qwest returns an FOC to a CLEC to inform the CLEC that its LSR is valid and that thc scrvice order associated with its LSR has been issued with an established due date. *See* OSS Decl. ¶ 208. The PIDs used to assess Qwest's performance in this area evaluate FOCs in a variety of formats covering a wide range of product types and product groups. *See* Williams Dccl. ¶¶ 113-115. The commercial performance data show that, with only one minor exception (PO-5C-(a) in January), Qwest has returned FOCs to CLECs on a timely basis and in compliance with the applicable PID in each of the past four months in Minnesota. ***See*** *id* ¶¶ 117-120. In fact, Qwest's performance has been consistently strong over the past 12 months. *See* ***id.*** In Qwest's earlier Section 271 fling, the FCC explicitly identified Qwest's "strong commercial performance on FOC tinieliness" as evidence of compliance. See *Qwest 271 Order* ¶ 87. That same strong performance is evident here.

Reject Notices: **A** valid LSR submitted by a CLEC travels from the applicable gateway or manual process through to the Service Order Processor ("SOP"). ***See*** OSS Decl ¶ 217. If the LSR submitted by the CLEC is missing information or contains incomplete, mismatched or unintelligible information, Qwest will, depending on the severity, issue a non-fatal or fatal error notice. *Id.* Fatal errors are rejected (though CLECs can correct them by submitting a new LSR). *Id.*

The commercial performance data show that, as in Qwest's earlier Section 271 filings, Qwest has provided rejcct notices to CLECs on a timely basis in compliance with the applicable PID (with only one minor exception, PO-3A-1 in December 2002) in each of the last four months in Minnesota. *See* Williams Decl. ¶ 124; *see also Qwest 271* ***Order*** ¶ 87 ("we find that Qwcst has demonstrated that it provides . . . reject notices in a timely manner"). Moreover, in all but a few instances, Qwest's response times have been significantly faster than the benchmarks in each of these states for the last 12 months. *See* ***id.***

Completion Notices: Once a CLEC-requested LSR has been fully processed, provisioned and completed in the SOP, Qwest issues an LSR-level Work Completion Notice to the CLEC to indicate that its entire service order has been completed. *See* OSS Decl. ¶ 222 Qwest's Work Completion Notice is sometimes referred to as a Service Order Completion ("SOC"). *Id*

The PID evaluating SOC timeliness requires Qwest to provide Work Completion Notices to CLECs with six hours (subject to the hours of gateway availability) on average for *orders* placed via IMA-*EDI* and *the* IMA-GUI. *See* Williams Decl. ¶ 143. The commercial performance data show that Qwest has provided Work Completion Notices to CLECs in compliance with this benchmark in Minncsota in each of the past four months for both IMA-EDI

and the IMA-CUI. *See id.* ¶ 144. In fact Qwest has met the benchmark in every month for the past year. *See id*

Jeopardies: Occasionally, Qwest is unable to meet the commitment date of a particular LSR or ASR. When this happens, Qwest generates and transmits to the CLEC a Jeopardy Notice indicating that the order is in jeopardy of being fulfilled by the committed due date. *See* OSS Decl. ¶ 226. CLECs also can receive Jeopardy Notices after receiving FOCs for incorrect LSRs. *See id.* ¶ 227. This occurs under certain, limited scenarios, most of which are within the CLEC's control. *See id.* ¶¶ 228-229. These scenarios – which are described more fully in the OSS Declaration – have been discussed with CLECs and documented under the Change Management Process. *See id.* CLECs therefore should have an understanding of how their orders will be processed – and what notices they can expect to receive – under these circumstances. *See id*

The PIDs applicable to Jeopardy Notices evaluate two separate measures: (1) the average number of days Qwest provides Jeopardy Notices in advance of the order due date (PO-8); and (2) the percentage of late orders for which Qwest provides such advance notice (PO-9). *See* Williams Decl. ¶ 145. Both PIDs are used to evaluate four product groups: Non-Designed Services; Unbundled Loops; LIS Trunks; and UNE-P POTS. *Id.* ¶ 146

With only minor exception, Qwest met the standard for providing Jeopardy Notices under PO-8 (when jeopardy conditions occurred) for each of these product groups in Minnesota over the last four months. *See id.* ¶¶ 147, 149, 151, 152. In fact, Qwest's results in Minnesota surpass its performance in its earlier Section 271 applications, which the FCC has found to be compliant. *See, e.g., Qwest 271 Order* ¶ 92.

Qwest's performance under PO-9 was even better. Specifically, Qwest met the parity standard (when jeopardy notices were issued and parity comparisons were possible) for all product groups under PO-9 in Minncsota in each of the 12 months. *See* OSS Decl. ¶¶ 148, 150, 151, 153. This too surpasses the level of performance Qwest demonstrated in its earlier Section 271 filing, which the FCC found to be acceptable. ***See Qwest 271 Order*** ¶ **93**.

Flow- ***Through Rate:*** Flow-through identifies whether orders placed by CLECs are able to pass through the SOP without manual intervention. *See* OSS Decl. ¶ 232. Although flow-through rates can sometimes be useful as an indicator of a BOC's ability to process CLEC orders, the FCC has stated that "it is inappropriate to consider order flow-through rates the sole indicia of parity" where record evidence of a BOC's ability to process CLEC orders in a timely manner exists. ***See New*** *York 27/* ***Order,*** 15 FCC Rcd at 4034-35 ¶¶ 161-163; *see* ***also Qwesl*** *271 Order* ¶¶ 106-107; ***New*** *Jersey 271 Order* ¶ 131. Under this standard, Qwest's demonstrated ability to return order confirmation notices, reject notices, completion notices and jeopardies in a timely manner -- as described above -- can well be considered a more significant indicator of its performance than its flow-through rates.

The FCC previously found "that Qwesl's OSS are capable of flowing through UNE orders in a manner that affords competing carriers a meaningful opportunity to compete." *Qwesr 27/ Order* ¶ 106. That same conclusion is warranted here. With a few exceptions, Qwest's flow-through rates generally met the required PID benchmarks over the last four months. *See* Williams Decl. ¶¶ 158-164. This is not surprising given Qwest's strong performance *in* each of the other order-related categories discussed above.

Manual Handling: The FCC previously found that Qwest is capable of manually processing orders accurately. *See Qwest 271 Order* ¶ 98. In doing so, the FCC analyzed

Qwest's manual handling timeliness and accuracy using PO-20 and Qwest's "Service Order Accuracy – via Call Center Data" (previously referred to by some as "OP-5++") PIDs. *See* ***id.*** Qwest's performance in Minncsota under these same measures demonstrates, once again, that Qwest is capable of manually handling service order in a timely and accurate manner. During the past four months, Qwest has accurately processed over 93% of Resale and UNE-P POTS LSRs and over 96% of Unbundled Loop LSRs that have fallen out for manual processing under PO-20. *See* OSS Decl. ¶ 239. Qwcst's overall service order accuracy (as measured under Qwest's "Service Order Accuracy via Call Center Data" PID) has been even stronger, with Qwest issuing niorc than 99.5% of orders error free in Minnesota over the past four months. *See* ***id.*** ¶ 268. Although both PO-20 and Qwest's "Service Order Accuracy – via Call Center Data" PIDs are subject to further revision through the Long-Term PID Administration Process, Qwest's Performance under their existing formulations leaves no doubt that it is capable of processing manual orders on a timely and accurate basis.

d) Provisioning

The FCC recently confirmed that Qwest provides CLECs with access to the same or comparable provisioning-related functions that it uses in connection with its Retail service. *See Qwest 271 Order* ¶ 161. These functions, which include Status Updates, Service Order Status Inquiries, View Design Layout Record, and Loss and Completion Reports, are described in the OSS Declaration. *See* OSS Decl. ¶¶ 312-327. 43/

43/ Qwest's commercial perfomiance with respect to provisioning is discussed in the context of specific products and services. *See* Section III(B), above. Generally, the commercial performance data show that Qwcst provisions CLEC orders "in substantially the same time and manner as its provisions orders Tor its own retail customer." *See Qwest 271* ***Order*** at App. K, ¶ 37.

e) Maintenance and Repair

The FCC already has found that Qwest's maintenance and repair systems and proccsses permit CLECs to locate and diagnose trouble that their customers may experience when using the Qwest network. *See Qwest 271 Order* ¶ 153 ("[W]e conclude. . . that Qwest provides nondiscriminatory access to its maintcnancc and repair OSS functions"). Qwest's systems and processes allow CLECs to efficiently communicate any trouble to Qwest so that, if appropriatc, Qwest can repair service for CLECs and their end user customers. ***See*** OSS Decl. ¶ 362, n.510. Qwest assures CLECs substantially the samc access to its maintenance and repair systems and functions as it provides to itself through a streamlined process to diagnose and correct trouble. *See* ***id.*** ¶ 363. 44/

f) Billing

The FCC recently confirmed that Qwest provides CLECs with nondiscriminatory access to its billing functions. *See Qwest 271 Order* ¶ 114. The bills generated by Qwest's two primarily billing systems – the Customer Records and Information System ("CRIS") and Integrated Access Billing System ("IABS") - support mechanized bill analysis by CLECs. ***See*** OSS Decl. ¶¶ 427-431; 472-482. From the CRIS billing system, Qwest provides electronic bills in ASCII, EDI, and BOS fomiats, cach of which allow for bill auditing. ***See id.*** ¶ **432.** Similarly, Qwest provides hills from IABS that follow Telcordia's guidelines, which support mechanized analysis. *See* id. ¶ 479. Qwcst also provides CLECs with complete and accurate reports on their

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44/ **As** with provisioning, Qwesl's commercial performance with respect *to* most maintenance and *repair* activities is discussed *in* the context of specific products and services. *See* Section III(B), above. Suffice it to say here that the commercial data under the maintenance and repair-related PIDs that aggregate Qwest's performance for all products and services - OP-2 and MR-2, both of which compare the percentage of Retail and Wholesale calls to the Interconnect Provisioning Center ("IRC") that are answered within 20 seconds - show that Qwest responds to CLEC calls to the IRC in a nondiscriminatory manner. *See* Williams Decl. ¶¶ 194-194 (MR-2), 215 (OP-2).

service usage in thc form of a Daily Usage File. *See id.* ¶¶ 498-507. Significantly, these are the same billing systems Qwest used when the FCC previously found Qwest's billing to be Section 271-compliant.

A total of six PIDs are used to measure Qwest's ability to provide CLECs with coinplcte and accurate billing information:

1. BI-1: Qwest's ability to provide recorded usage records on a timely basis.
2. BI-2: Qwest's ability to deliver invoices to CLECs on a timely basis.
3. BI-3: Qwest's ability to render accurate bills
4. BI-4: Qwesl's ability to render complete bills
5. BI-5: Qwest's ability to acknowledge and resolve billing disputed on a timely basis.
6. PO-7: Qwest's ability to make available electronic billing completion notices to CLECs on a timely basis.

See Williams Decl. ¶¶ 196-214.

Qwest's performance under each of these PIDs in Minnesota has been strong. For instance, Qwest provided CLECs with daily usage records on a timely basis under BI-I in Minnesota in each of the past four months. *See id.* ¶ *200.* Qwest also delivered industry-standard elcctronically transmitted invoices to CLECs at parity with its Retail operations under BI-2 in Minncsota over the past four months. *See id* ¶ *203.* Qwest's delivery of billing complction notices *to* CLECs under PO-7 was equally impressive. With only one exception (January 2003) Qwest delivered such notices via IMA-GUI at parity or better in each of the past four months (as of this writing, no CLECs have elected to receive such notices via IMA-EDI). *See id.* ¶¶ 213-214. Qwest also timely acknowledged and rcsolved billing disputes under BI-5

every month in Minnesota since Qwcst first committed to reporting such results (in August 2002)

Qwest did not meet the parity standard for rendering accurate bills to CLECs under BI-3 in any of the past four months. *See* ***id.*** ¶ *205*. But this was because certain adjustments had to be made in Minnesota to accommodate rate disputes and other events, most of which were outside of Qwcst's immediate control. *See* ***id.*** Despite these misses, Qwest issued accurate hills to CLECs in Minnesota more than 96% of the time since October 2002. *See id.*

The ALJ in Minnesora stated that Qwcst's performance results under BI-3A are unreliable because Qwest bills UNE-Star at resale rates and then manually adjusts those charges to reflect the LNE-Star rale. *See* OSS Decl. ¶ 515. But the evidence the ALJ relied on in making his assessment was the same evidence that the FCC considered and found sufficient in Qwest's earlier Section 271 proceeding. *See id.* ¶ 516. The ALJ also believed that Qwest should consider the manual adjustments Qwest makes in the course of calculating UNE-Star bills adjusted "errors" under BI-3A. *See* ***id.*** ¶ 517. But Qwest's contracts with CLECs specifically require Qwest to bill this way, and at least one CLEC has instructed Qwest to not change this hilling practice to a mechanized process. *See* ***id.*** The ALJ further noted that Qwest did not meet the parity standard under BI-3 in recent months; but the FCC has never required a BOC to consistently meet every parity and benchmark standard to satisfy Section 271. ***See id.*** ¶ 518. *In* short, none of the ALJ's findings in connection with BI-3 should prevent the FCC from finding that Qwest mects thc requirements of Section 271.

Qwest has demonstrated that it is capable of timely rendering complete bills to CLECs under BI-4. *See* Williams Decl. ¶¶ 206-208. Only once (in October 2002) over the past

four months did Qwcst not meet the parity standard under BI-4, and the reasons for this miss were repaired in November and December 2002. *See id.* Importantly, Qwest has met the parity standard in the three most recent months. *See id.* Clearly, the overwhelming majority of evidence demonstrates that CLECs today can – and do – receive complete and timely bills from Qwest

D. Change Management and Technical Assistance

Qwest believes it has in place the most comprehensive, inclusive, and forward-looking change management plan in the nation. See Declaration of Judith M. Schultz, Change Management ("CMP Decl."), Att. 5, App. **A,** ¶ 9 and Section III. As the ACC Staff observed, "[T]here is no question . . . that Qwest has, with extensive assistance by the CLECs, developed one of the most comprehensive and effective Change Management Processes in existence in the telephone industry today." 45/ That plan is the product of a collaborative redesign process, conducted jointly by Qwest and CLECs, which was begun in July 2001 and completed in October 2002. 46/ The plan has been fully implemented, and includes procedures governing changes both to Qwest's OSS interfaces and to its products and processes. CMP Decl., Section V(D), ¶ 146. Qwest's change management process is identical throughout its 14-state region. *Id.* ¶ 18.

45/ ACC Staff Supplemental Report on Change Management (May 7, 2002), CMP Decl. Exh. JMS-CMP-9. *See ulso* Cap Gemini Ernst & Young, Qwest Change Management Process Redesign Evaluation: Version 5.0 (May 1, 2002) at 17, CMP Decl. Exh. JMS-CMP-8 ("When the redesign effort is completed, Qwest's Change Management Process will go far beyond any other such process in the local telecommunications industry." (citing comment by Allegiance Telecom that Qwest's CMP is "more encompassing and responsive" than those of other ILECs because it includes product and process issues as well as systems issues)); CMP Decl. § IV(C).

46/ The procedures governing the redesigned change management process are set forth in Qwest's "Change Management Process for Local Services," hereafter referred to as the "CMP Framework." The CMP Framework is included as CMP Decl. Exhibit JMS-CMP-2, and may be found on Qwesl's wholesale website at http/www.qwest.com/wholesale/cmp/whatiscmp.

As the Commission has held, and as discussed below, Qwest's change management process satisfies each of the factors the Commission considers in evaluating a BOC's change management plan. 47/ Those factors also are addressed in the CMP Declaration at Section V (accessibility of CMP information, CLEC input, dispute resolution, and pattern of compliance), and in the OSS Dcclaration at Section VIII (technical assistance, EDI documentation, and interfacc testing)

*I. **Accessibility and organization of information relating to the change management process.*** **As** thc Commission concluded in Qwest III, Qwest's current CMP "is clearly drafted, well organized, and accessible." *Qwest 271 Order*.¶ 133 (footnote omitted). Qwest provides easy access to information about the change management process, both through its wholesale website and through frequent communications with CLECs via e-mail, the notifications process, and otherwise. *Id.;see* CMP Decl. at Sections III(C)(3), V(A); http//www.qwest.com/wholesale/cmp/index.html. The contents of the CMP website were negotiated by CLECs and Qwest in the redesign session and are specified in the CMP Fraincwork at Scction ***3.3.***

Exhibit JMS-CMP-6 to the CMP Declaration contains screenshots of the CMP website pagcs as thcy appearcd on March 19, 2003. The Qwest wholesale website describes the CMP process, shows CLECs how to participate, provides forms and instructions, provides up-to-date information about change requests under considcration, includes CMP meeting agendas and minutes, and makes new documentation available for review and comment online by CLECs.

47/ *Qwest 27f Order* ¶¶ 132-152; App. K ¶¶ 40, 42. These include the five factors specifically identified at ***id.,*** App. K ¶ 42, as well as the adequacy oftechnical assistance provided by the BOC to CLECs using its OSS and the demonstration of a pattern of compliance with a BOC's change management procedures over time.

The Third Party Test confirmed the accessibility and completeness of information about Qwest's change management process. For OSS interfaces, KPMG found that "[t]he change management process is in place and documented," that it "has a framework to evaluate, categorize, and prioritize proposed changes," and that "documentation regarding proposed changes is distributed to wholesale customers." Final Report at 514-19. As the test, the CMP Fraincwork, and Qwest's wholesale website demonstrate, Qwest's CMP is "clearly organized and readily accessible to competing carriers." *Qwest 271* ***Order*** App. K ¶ 42.

2. CLEC input into the design and contitrued operation of the change management process. As the Commission concluded in Qwest III, Qwest's change management process, and the redesign process that generated the current CMP, demonstrate that competing carriers have had and will continue to have "substantial input in the design and continued operation" of Qwest's CMP. *Qwest 271 Order* ¶¶ 134-135; App. K ¶ 42.

As notcd above, the current Qwest change management plan is the product of an intense, collaborative effort by Qwest and CLECs to redesign Qwest's change management procedures. These "redesign" meetings took place generally four days per month, beginning in July 2001, and cnded in October 2002 with completion of the plan. The meeting agendas and minutes were posted on the website. KPMG representatives attended many of the redesign sessions, as did members of the Colorado PUC staff. CMP Decl. ¶ 11. The product of this collaborative effort is the current Qwest Change Management Plan, or the "CMP Framework." *Id.* ¶ 9; ***see*** Exh. JMS-CMP-2.

The Qwest CMP provides for substantial CLEC input throughout the lifecycle of both CLEC and Qwest initiated change requests ("CRs"). *See generally* CMP Decl. ¶¶ 134-138. Qwcst and CLECs meet on a regular basis - two days a month - to discuss, consider, and modify

CRs and to discuss Qwest's proposed responses to CRs. One day is devoted to OSS interface CRs, one day to product and process CRs. *Id.* ¶ 4 & n.lO. CLECs and Qwest also meet to prioritize the accepted OSS interface change requests in advance of each new release. *Id.* ¶¶ 5, 136, 168. Qwest and each CLEC have one vote apiece in the prioritization process. *Id.* ¶¶ 74, 136; CMP Framework, §§ 10.3.2, 10.3.3. The prioritization process is described in detail in the **CMP** Declaration at Section III(C)(13).

CLECs also have the opportunity to review and submit comments on draft technical specifications for the introduction of new or changed systems interfaces and to participate in "walk-throughs" of those specifications with Qwest subject matter experts, all at specified intervals prior to release. CMP Decl. Sections III(C)(10), (11); CMP Framework Sections 7, 8. CLECs also are able to review and comment on draft documentation for new products and technical publications, via a web-based comment tool. OSS Decl. ¶ 555; CMP Decl. Exh. JMS-CMP-6. In addition to providing for CLEC input into the processing of CRs and the finalization of technical specifications, the CMP Framework includes, for example, notification intervals for changes to interfaces, production support procedures for handling trouble tickets, and escalation and dispute resolution procedures, all of which promote CLEC involvement in the management of changes to Qwest's OSS interfaces, products, and processes. **CMP** Decl. Sections III(C) (11), (15), and (17); **CMP** Framework Sections **8,** 12, **14** and 15.

3. Procedures for the timely resolution of change management disputes. As the Commission concluded in Qwest 111, Qwest has in place procedures for the timely resolution of change management disputes, both with respect to the change management process itself and

with respect to the CMP redesign process. Qwesi *271 Order* ¶ 136. 48/ These escalation and dispute resolution procedures were developed jointly by CLECs and Qwest in the redesign process.

For the change management process itself, the streamlined escalation process enables CLECs to raise a disputed issue to a single point of contact in the Qwest organization, and to obtain a final binding statement of position from that contact within seven days for a disputed change request and within 14 days for other escalations. CMP Decl. ¶¶ 90-91; CMP Framework Section 14.2. **A** CLEC or Qwest can bypass the escalation process and immediately invoke the dispute resolution process. Disputes may be submitted to a third party arbitrator, if the parties agree, or to an appropriate regulatory agency. CMP Decl. ¶¶ 92, 141; CMP Framework Section 15. **As** of February 28, 2003, the escalation procedures have been invoked a total of eight times; no change management issue has yet gone to dispute resolution under the new CMP Framework. CMP Decl. ¶ 139.

Separate dispute resolution procedures applied to the redesign process. Under those procedures the parties were required to negotiate in good faith and make every effort to reach consensus before invoking the dispute resolution procedures. *See* CMP Decl. ¶ 142; CMP Re-design Proceedures for Voting and the Impasse Resolution Process, CMP Decl. Exh. JMS-CMP-5. During the entire redesign process, only one redesign issue went to impasse, and it was quickly resolved by the Colorado Public Utilities Commission. CMP Decl. ¶ 143.

4. Availability of a stable testing environment that mirrors production. Since 1998, Qwest has provided *to* CLECs a test environment for testing and becoming certified to use

48/ CMP Decl. ¶¶ 90-92, 139-144. *See* CMP Framework § 14 (escalation); § 15 (dispute resolution); CMP Re-design Proccdures for Voting and the Impasse Resolution Process, CMP Decl. Exh. JMS-CMP-5.

Qwcst's IMA-EDI interface. This "Interoperability" environment validates test transactions against actual production data for pre-order and order transactions, using real production legacy systems. Transactions are submitted into a test system that is a copy of IMA and is physically separate from the production database. OSS Decl. ¶¶ 656-657

On August 1, 2001, Qwesi implemented another test environment, the stand-alone test environment (SATE), partly in response to concerns raised by KPMG and CLECs regarding the Interoperability cnvironment -- in particular, regarding the need for CLECs to use their own account data to test in Interopcrability. *See* OSS Decl. ¶¶ 663-664; Final Report at 580. In SATE, Qwest provides CLECs with account data and scenario information (test decks) that can be submitted into the test environment, which returns pre-defined test scenarios that mimic production responses. OSS Decl. ¶¶ 664-668. CLECs may test in either or both of the Interoperability and SATE environments, which offer CLECs different options and capabilities. *Id.* ¶ 653. In Qwest 111, the Commission concluded that SATE satisfies Section 271 because it provides CLECs a "stable test environment that mirrors production." ***Qwest*** *271 Order* ¶¶ 137-143; App. K ¶ 42. 49/

As the Commission found, SATE is "stable" because Qwest has undertaken to make no changes (other than bug fixes) during the 30-day period prior to implementation of a major release. *Qwest 271 Order* ¶ *139* & n.514; OSS Decl. ¶¶ 683-684. The Commission also found that SATE "mirrors production." *Qwest 271 Order* ¶ *139.* SATE allows CLECs to run practice transactions that generate responses that mimic production without actually using production data or production systems. OSS Decl. ¶¶ 688-704. SATE enables CLECs to *test* in SATE their ability to receive and process every response they might receive in production.

SATE thus performs "the same key functions" as production. *Id.* ¶ 704, *quoting Texas 271 Order* at 18421-22 ¶ 138; *see Qwest 271 Order* ¶ 139. To further enhance SATE, Qwest now provides automated post-ordcr responses (since January 26,2002) and, effective May 20, 2002, has implemented test flow-througli components and a test service order processor. *See Qwesi 271 Order* ¶ 137 & n.508; OSS Decl. ¶¶ 675-676. *See also Texas 271 Order,* 15 FCC Rcd at 18421 ¶ 138.

As the Commission concluded in Qwest III, the commercial data provide strong evidence of the adequacy of Qwest's test environment. *Qwest 271 Order* ¶¶ 137-138; see *also Texas 271 Order,* 15 FCC Rcd at 18420 ¶ 134. As of February 1, 2003, 31 individual CLECs had successfully completed SATE tcsting and had achieved production status for EDI implementation of pre-ordering capabilities, with four additional CLECs testing and achieving production status through a service bureau. OSS Decl. ¶ 706 and Confidential Exh. LN-OSS-138.

One PID is relevant to SATE. PO-I9 "evaluates Qwest's ability to provide accurate production-like tests to CLECs for testing both new releases and between releases in the SATE environment." 14-State PID 5.0 at 26 (PO-19); *see Qwest 271 Order* ¶ 137 & n.508. A 95% benchmark took effect in the ROC states in March. *Id.* With one small exception, Qwest satisfied this measure in the last four months ending in January. OSS Decl. ¶ 708; Minnesota Commercial Performance Results at 99-100 (PO-19A). Qwest has agreed to modify the current PID to create a submeasure (PO-19B) that would compare the execution of the same transactions in production and in SATE, in order to further measure the extent to which SATE mirrors production. OSS Decl. ¶¶ 709-712. The ACC Staff has accepted Qwest's proposal, agreed to by

49/ The Commission did not address whether the Interoperability environment satisfies this

AT&T, to modify the definition of PO-19B to include a broader set of test transactions. *Id.* ¶ 706 and Exh. LN-OSS-I 87. The July and November PO-19B results met the applicable benchmarks, and the November results satisfied the modified PO-I 9B formulation as well. OSS Decl. ¶ 711; Minnesota Commercial Performance Results at 101 (PO-19B)

Qwcst makes **SATE** available for an extended testing period. CLECs may test a particular EDI release in SATE for 30 days prior to and, on average, **six** months after the introduction of the next release. OSS Decl. ¶ 685; CMP Decl. ¶¶ 59, 82. The FCC has cited with approval this practice of "versioning," because versioning "ensures that system changes and enhancements do not adversely affect a carrier's ability to access the BOC's OSS." *Massachusetts 271 Order* ¶ 107, *quoting Texas* 27/ ***Order,*** IS FCC Rcd at 18408 ¶ 115. ***See*** *Qwest 271 Order* ¶ I40

KPMG (with pseudo-CLEC HP) evaluated Qwest's EDI interface testing environments and documentation in Test 24.6. KPMG found that Qwest had satisfied the vast majority of test criteria for interface testing. Final Report at 575; OSS Decl. ¶¶ 714-719. For example, KPMG concluded that "carrier-lo-carrier-test environments are available and segregated from Qwest production and development environments." Final Report at 581-82.

The only EDI interface evaluation criterion that KPMG found unsatisfied in the Final Report is whether "a functional test cnvironment is made available to customers for all supported interfaces." Evaluation Criterion 24.6-1-8; Final Report at 580-581. Related to this finding are two closed unresolved cxccptions, E3077 and E3095. **As** the Commission concluded

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test. Qwest believes that it docs, however, as shown in the OSS Decl. at ¶¶ 682-687.

in Qwest III, and as discussed below and in the OSS Declaration, the issues raised by KPMG arc not significant under Section 271. 50/

In one of the exceptions, KPMC noted that "SATE transactions are manually generated, and that the environment does not support flow-through transactions." Final Report at 580-581, *citing* Exception 3077. As the Commission recognized, Qwest has addressed these issues through the implementation of automated responses (VICKI) in January 2002 and through the implementation of flow-through capability and a test service order processor in May 2002. OSS Decl. ¶¶ 729-730; *see Qwest* 27/ ***Order*** ¶ I37 & n.508

In Exception 3077, KPMG also commented that "the data contained within the order responses is not consistent and may not mirror the data that would be found in production responses.'' 51/ The Commission in Qwest III concluded, however, that SATE does in fact "mirror production" within the meaning of Section 271. *Qwest 271* ***Order*** ¶ 139. The Commission rejected concerns that SATE does not always provide the identical response that would he received in production. *Id.* The Commission recognized that although responses in SATE may on occasion differ from production, this does not affect a CLEC's ability to test its code. *Id.;* OSS Dccl. ¶¶ 677, 688, 692-693. Any known differences between SATE and production are noted, published, and discusscd with CLECs. *Id.* ¶ 665 & n.946, ¶ 694 & n.994, ¶ 733. Ifa CLEC wishes to add a particular test scenario or response to SATE, Qwest will add it within ten days of approval. *Id.* ¶ 669. Significantly, no CLEC to date has requested the

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50/ ***See*** *Qwest 271* ***Order*** ¶¶ 137 & n.508, 141. KPMG also issued a closed unresolved cxccption regarding Qwest's maintenance and repair interface, EB-TA. As the Commission found in *Qwest III*, and as discussed in the OSS Declaration, that exception (E3109) does not raise Section 271 issues because the FCC does not require BOCs to provide application-to-application maintenance and repair interfaces. *See Qwest 271 Order* ¶ 153 & n.572; OSS Decl ¶¶ 742-749

addition of any error message to SATE. *Id.* For these reasons, the FCC concluded that SATE satisfies the Section 271 "minoring production" requirement. *Qwesi 271* ***Order*** ¶ 139. As the Commission stated in Qwest 111, the responses received in testing need not be "identical" to those received in production, so long as thcy perform "the same key functions," which SATE clearly does. *Qwest 271 Order* ¶ 139, *citing Texas 27/ Order,* 15 FCC Rcd at 18421-22 ¶ 138; *see* OSS Decl. ¶¶ 688-701.

KPMG also **look** issue with the range ofproducts available for testing in SATE. Final Report at 580-81, *citing* Exception 3095. As the Commission held in *Qwest III*, this is not an issue under Section 271. *Qwest 271 Order* ¶ 141. SATE was developed to include testing of all resale and UNE products that CLECs were ordering through IMA-EDI. OSS Decl. ¶ 672 The change management process is available and has been used by CLECs and Qwest to add products to SATE. *Id.* In addition, the ACC Staff has accepted Qwest's proposal (to which AT&T agreed) for adding to SATE those products for which there have been 100 or more transactions within the previous 12 month period. OSS Decl. ¶ 739 and Exhibit LN-OSS-187; *see Qwest 271 Order'))*141 & n.531. Finally, the Interoperability Environment is available for tcsting any Qwest product offered in production. OSS Decl. ¶ 656

HP's comprehensive evaluation of SATE in Arizona provides additional support for the conclusion that SATE is adequatc to meet the Section 271 requirements, as the FCC notcd in Qwest III. *Qwest* 27/ *Order* ¶ 137 & n.509. Unlike KPMG, HP conducted transaction tcsting to "assess[ ] the adequacy of Qwest's IMA-EDI SATE to facilitate CLECs in testing their *EDI* interfaces and to determine to what degree" SATE mirrors production. *HP* SATE Summary Evaluation Report for Qwest IMA-EDI, Final Release, version 3.0, December 21, 2001, **at**

51/ KPMG Second Response on E3077, January 24, 2002, Att. 5, App. G, at 3. *See ulso* OSS